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MAILED

SEP 17 2009

OFFICE OF PETITIONS

In re Application of  
Sjoblom Hans  
Application No. 10/087,864  
Filed: March 5, 2002  
Attorney Docket No. 150-044

: CORRECTED DECISON  
ON PETITION

This is a corrected decision on the petition under 37 CFR 1.137(b), filed December 22, 2008, to revive the above-identified application.

The petition decision mailed February 17, 2009 is **VACATED**.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of August 30, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1).

As to item 1, the Information Disclosure Statement (IDS) filed along with the petition to revive on December 22, 2008 is not a proper submission. MPEP 706.07(h)(II) SUBMISSION REQUIREMENT, indicates that an information disclosure statement is not an acceptable submission where the last Office action was a final rejection. Therefore the submission filed with the RCE was not proper and thus the RCE was not an acceptable reply.

A reply to the final Office action was received on March 2, 2007 in the form of a RCE, but it was improper, according to the Office correspondence mailed April 27, 2007.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
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The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.



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